

Order

Michigan Supreme Court
Lansing, Michigan

December 29, 2011

Robert P. Young, Jr.,
Chief Justice

143733

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143733
COA: 305047
Kalamazoo CC: 2010-000646-FH

SHAWN THOMAS BROWN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 22, 2011 order of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address what relief, if any, is available to the defendant under the following circumstances. The defendant pled guilty to second-degree home invasion as a second habitual offender and, as part of the plea proceeding pursuant to MCR 6.302(B)(2), was informed that his maximum possible sentence was 15 years, despite the fact that his maximum sentence as a second habitual offender was 22½ years. At sentencing, the trial court imposed an enhanced maximum sentence of 22½ years. The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 29, 2011

Corbin R. Davis

Clerk